

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO 05-CV-10656MLW

PENNY LETENDRE,
Plaintiff,
v.
MIN S. AHN, M.D., and JANE DOE, and
MIN S. AHN M.D., P.C., d/b/a
THE AESTHETIC WELLNESS CENTER
Defendants,

JOINT MOTION OF THE PARTIES TO EXTEND THE DISCOVERY ORDER

Defendants Min S. Ahn, M.D. and Min S. Ahn, M.D., P.C. (hereinafter "defendants"), by counsel, and Plaintiff Penny Letendre, by counsel, hereby submit this Joint Motion to Extend the Period for Discovery for six months time on the grounds that:

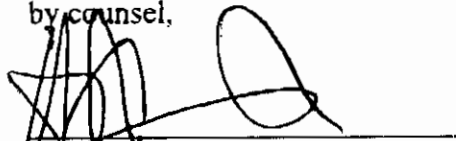
1. This is a medical malpractice matter which is currently in the midst of discovery.
2. This lawsuit was transferred from the District of Rhode Island to the District of Massachusetts as a result of a finding that Rhode Island did not have personal jurisdiction over this action.
3. Upon transfer of this action, on May 17, 2005, the Defendants promptly moved to obtain a Medical Malpractice Tribunal as is warranted under Massachusetts General Laws 231 Section 60B. This Motion was ultimately granted by this Court and the case was recently transferred to Suffolk Superior Court for that jurisdiction to prepare a Tribunal. The parties have waited since May to obtain a Tribunal and have not yet received an Order convening a tribunal. Defendant's counsel's experience suggests that the process of obtaining a Tribunal may take up to a year from the date of request.
4. Judge Mary Lisi of Rhode Island District Court had originally issued an amended Scheduling Order prior to the Transfer of this action to Massachusetts. However, due

to the delays attendant to the transfer and due to the unexpected delay in awaiting a Tribunal, the Parties have been unable to complete discovery within Judge Lisi's original scheduling Order.

5. To date, the deposition of the Plaintiff has been taken. The deposition of her husband has been scheduled for November 15, 2005 and the deposition of the defendant has been noticed though not yet conducted.
6. The Parties expect that discovery should be concluded within the next six months, provided that the Suffolk Superior Court arranges a Tribunal within that time period.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that this Honorable Court issue a revised Scheduling Order to reflect this cases transfer to Massachusetts and to acknowledge the delays attendant to awaiting a Medical Malpractice Tribunal. The Parties request that this Court issue an Order to the effect that discovery conclude in six months and to provide other key deadlines as the Court deems fit to accommodate the unanticipated delays in discovery to date.


Respectfully submitted
Min S. Ahn, M.D. and
Min S. Ahn, M.D., P.C.
by counsel,



Andrew Neuwirth
Bar No. 6641

Foster & Eldridge, LLP
One Canal Park, Suite 2100
Cambridge, MA 02141
Telephone: (617) 252-3366

Respectfully submitted
Penny Letendre
by counsel,



Peter Petrarca, Esquire
Bar No. 6137

Petrarca & Petrarca
330 Silver Spring Street
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Telephone: (401) 273-1111

Date: 10/26/05

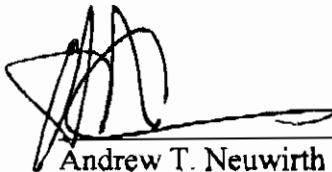
CERTIFICATE OF SERVICE

I, Andrew T. Neuwirth, hereby certify that I have served a copy of the enclosed Joint Motion of the Parties to Extend the Discovery Order on:

Peter Petrarca, Esquire
Petrarca & Petrarca
330 Silver Spring Street
Providence, RI 02904

by mailing a copy of same, first-class postage prepaid, to the above.

Signed under the pains and penalties of perjury.



Andrew T. Neuwirth
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DATED: 10/26/05